

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

L.J. MCCOY and ANTONIO V.
THOMPSON,

Plaintiffs,

vs.

TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, et al,

Defendants.

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C.A. NO. C-05-370

ORDER

On August 11, 2006, the Court held a telephone conference in the above-styled action. At the hearing, Defendant Texas Department of Criminal Justice ("TDCJ") argued that it is not required to provide Plaintiffs with written reports from its designated experts, because the experts are all TDCJ employees. Assuming, without deciding, that Fed. R. Civ. P. 26(a)(2)(B) excludes TDCJ's employees from the requirement of providing a written report, that Rule only applies to the extent the parties have not been "otherwise . . . directed by the court". See Fed. R. Civ. P. 26(a)(2)(B); see also Kelly v. Syria Shell Petroleum Development B.V., 213 F.3d 841, 855 (5th Cir. 2000) (stating that "[a] district court has broad discretion in all discovery matters"); Munoz v. Orr, 200 F.3d 291, 305 (5th Cir. 2000) ("District courts have considerable discretion in managing discovery"). Because Plaintiffs have made the requisite showing

that discovery is necessary, Defendant TDCJ is HEREBY ORDERED to provide written reports for all their designated experts, to the Plaintiffs, by Friday, August 18, 2006, at 5:00 PM.

SIGNED and ENTERED this the 18th day of August, 2006.

A handwritten signature in black ink, reading "Janis Graham Jack". The signature is written in a cursive, flowing style. It is positioned above a horizontal line.

Janis Graham Jack
United States District Judge